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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,069	09/27/2001	Mauro Dresti	81230.66US1	4927
34018	7590	09/08/2006	EXAMINER	
GREENBERG TRAURIG, LLP			TRAN, TRANG U	
77 WEST WACKER DRIVE				
SUITE 2500			ART UNIT	PAPER NUMBER
CHICAGO, IL 60601-1732				2622

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/967,069	DRESTI ET AL.
	Examiner	Art Unit
	Trang U. Tran	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2 and 5-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1 and 2 is/are allowed.
- 6) Claim(s) 5-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed June 16, 2006 have been fully considered but they are not persuasive.

In re pages 10-11, applicants argue that, since no reference has been cited which can be said to disclose, teach, or suggest at least the desirability of using information generated by another appliance to populate a favorite channels list maintained by a remote control, let alone information in the form of video screen flashes representative of a channel currently being viewed, it is respectfully submitted that the rejection of the claims fails to present a *prima facie* case of obviousness in accordance with the requirements of 35 U.S.C. 103 and, as such, the rejection under 35 U.S.C. 103 must be withdrawn.

In response, the examiner respectfully disagrees. The examiner has pointed out what each of the prior art references teaches and has indicated how and why these references would have been combined to arrive at the claimed invention. Applicants cannot show non-obviousness by attacking the references individually where, as here, the rejection is based on a combination of references. *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 981). *Beery* was cited only to suggest the populating the favorite channels list of the remote controller. The populating of the favorite channels list has similar application whether it is manually operated. A reference must be considered not only for what it expressly teaches, but also for what it fairly suggests. *In re Burckel*, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979). The artisan is presumed to know something

about the art apart from what references literally disclose. *In re Jacoby*, 309 F.2d 513, 135 USPQ 317 (CCPA 1962). The examiner believes that the artisan would have recognized the obviousness of populating the favorite channels list of the remote control.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tessier et al. (US Patent No. 5,629,868) in view of Beery (US Patent No. 5,963,269).

In considering claim 5, Tessier et al discloses all the claimed subject matter, note 1) the claimed transmitting from the remote control to a video system a channel identification request is met by the switch of switch array 41 is depressed, which causes the microcontroller 43 to cause LED 45 to flash a command sequence to infrared interface 35 (Fig. 1, col. 5, line 27 to col. 6, line 45), 2) the claimed receiving through an optical receiver in the remote control a series of video screen flashes is met by the light detector diode 47 which receives the flashing of the rectangle 49 (Fig. 1, col. 5, line 58 to col. 6, line 45), 3) the claimed decoding the series of video screen flashes to determine the channel identification is met by the microcontroller 43 (Fig. 1, col. 5, line 58 to col. 6, line 45), and 4) the claimed wherein the channel identification functions to specify a channel that was being displayed on a video screen when the channel

identification request was transmitted is met by the control sequence data (Fig. 1, col. 3, line 5-59).

However, Tessier et al explicitly do not disclose the claim modifying the favorite channel table in the remote control with the channel identification.

Beery teaches that the remote control unit operates under control of its own processing unit 34, ROM 40 which includes the operating program used by the remote control in controlling the television receiver, as well as the stored, preset labels, and RAM 42 which serves to store the channels to be assigned to stored labels, as well as user labels programmed into the system (Fig. 2, col. 4, line 27 to col. 5, line 26), and another feature of the television controller of the present invention is the provision of "Favorite Channels", this feature comprises a shortened scanning list of the ten (or fewer) favorite or most watched channels of the television operator (Fig. 7, col. 15, line 25 to col. 17, line 62).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the remote controller with the favorite channel table as taught by Beery into Tessier et al's system in order to allow quick access to preselected favorite channels or programs.

In considering claim 6, the claimed wherein modifying the favorite channel table comprises deleting from the favorite channel table a channel corresponding to the channel identification is met by the step 400 of delete channel from memory (Fig. 7, col. 15, line 46 to col. 16, line 51 of Beery).

In considering claim 7, the claimed wherein modifying the favorite channel table comprises adding to the favorite channel table a channel corresponding to the channel identification is met by the step 396 of enter channel to the memory (Fig. 7, col. 15, line 46 to col. 16, line 51 of Beery).

Claim 8 is rejected for the same reason as discussed in claim 5.

In considering claim 9, Berry discloses all the claimed subject matter, note 1) the claimed sensing a user activating a predetermined key input on the remote control is met by the operator presses the “PGM” key at block 370, following by a “favorite channel” function key (Fig. 7, col. 15, line 46 to col. 16, line 51), 2) the claimed initiating the transmission of the channel request in response to sensing the predetermined key input is met by the operator may enter a channel number desired for inclusion in the FC memory at block 378, followed by the enter key at block 380 (Fig. 7, col. 15, line 46 to col. 16, line 51), and 3) the claimed basing the programming for modifying the favorite channel table on the predetermined key input is met by adding or delete the favorite channel of the memory (Fig. 7, col. 15, line 46 to col. 16, line 51).

In considering claim 10, the claimed wherein the predetermined key input consists of a single key input is met by the “PGM” key (Fig. 7, col. 15, line 46 to col. 16, line 51 of Beery).

In considering claim 11, the claimed wherein the programming for modifying the favorite channel table comprises programming for adding to the table a channel corresponding to the determined channel is met by the step 396 of enter channel to the memory (Fig. 7, col. 15, line 46 to col. 16, line 51 of Beery).

Claim 12 is rejected for the same reason as discussed in claim 5.

In considering claim 13, the claimed comprising transmitting a request to receive the signal is met by the switch of switch array 41 is depressed, which causes the microcontroller 43 to cause LED 45 to flash a command sequence to infrared interface 35 (Fig. 1, col. 5, line 27 to col. 6, line 45 of Tessier et al).

In considering claim 14, the claimed wherein the signal comprises a visible light pattern flashed on a video display is met by the video display generator 49 (a central white rectangle) to appear on the display of the television monitor 27 which flash off and on (black and white) in accordance with the store data sequence to be transmitted (Fig. 1, col. 5, line 1 to col. 6, line 50 of Tessier et al).

In considering claim 15, the claimed wherein the signal comprises a serial transmission of data is met by the video display generator 49 (a central white rectangle) to appear on the display of the television monitor 27 which flash off and on (black and white) in accordance with the store data sequence to be transmitted (Fig. 1, col. 5, line 1 to col. 6, line 50 of Tessier et al).

Claim 16 is rejected for the same reason as discussed in claim 5.

Claim 17 is rejected for the same reason as discussed in claim 13.

Claim 18 is rejected for the same reason as discussed in claim 14.

Claim 19 is rejected for the same reason as discussed in claim 15.

Allowable Subject Matter

4. Claims 1-2 are allowed.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Trang U. Tran
Primary Examiner
Art Unit 2622

TT
September 5, 2006